

REMARKS

Claims 2-11 and 13-27 remain pending in the present application. Claims 1 and 12 have been canceled without prejudice to or disclaimer of the subject matter contained therein.

Rejection Under 35 U.S.C. § 112

Claims 3-4 and 14-15 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses.

Regarding claims 3 and 14, Applicant asserts that claims 3 and 14 are proper under 35 U.S.C. § 112. The Examiner states on page 2 of the Office Action:

With regard to claims 3, 14 applicant claims calculating a load level as a function of at least one of a change in measured power and change in number of users. Hence if the calculated load level is based on just a change in measured power (or just a change in number of users not both), it is not clear how the load level calculation is derived from an estimated load level which is both a function of a change in power and a change in number of users.

Applicant asserts that there is no logical inconsistency in claims 3 and 14 as suggested by the Examiner. For example, if X is a function of A and B, then the following are also true:

X is a function of A;
X is a function of B; and
X is a function of at least one of A and B.

In the above examples, each statement can be true without contradiction. For like reasons, there is no contradiction in the language of claims 3 and 14. Enablement language for claims 3 and 14 can be found on pages 8 and 9 of the Application.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 2, 5-11, 13, and 16-27 are allowed.

CONCLUSION

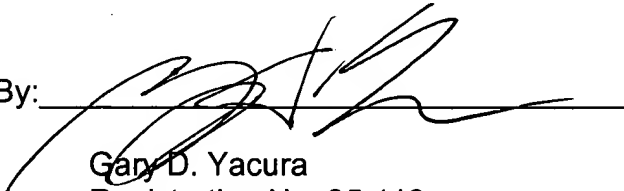
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact the undersigned at (703) 668-8000 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: _____


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